

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

**\* EMERGENCY MOTION \***

JAMES DICKEY,  
Plaintiff

v.

CITY OF BOSTON, through the  
INSPECTIONAL SERVICES  
DEPARTMENT,

EDWARD COBURN, in his official  
capacity as lawyer for the City  
of Boston,

MARIA THEOPHILIS, in her official  
capacity as judge for the Housing  
Court,

MARYLOU MUIRHEAD, in her  
official capacity as judge for  
the Housing Court,

JEFFREY WINIK, in his official  
capacity as judge for  
the Housing Court,

MARTIN WALSH, in his official  
capacity as Mayor of the  
City of Boston,

WILLIAM CHRISTOPHER, in his  
official capacity as Commissioner  
of the Inspectional Services  
Department of the City of Boston,

STUART SCHRIER, in his official  
capacity as Receiver,

Defendants.

CIVIL ACTION NO. 18 cv 11190-NMG

U.S. DISTRICT COURT  
DISTRICT OF MASS.

2018 OCT -3 AM 10:05

FILED  
IN CLERKS OFFICE

**PLAINTIFF'S MOTION FOR TEMPORARY RESTRAINING ORDER OR  
PRELIMINARY INJUNCTION**

Now come the plaintiff James Dickey ("Plaintiff") and brings this Motion pursuant to Federal Rules of Civil Procedure 65 and moves this Honorable Court for a Temporary Restraining Order or Preliminary Injunction to immediately stay the receivership for the real property located at 97 Mount Ida Road, Dorchester, Massachusetts (the "Property").

**A TEMPORARY RESTAINING ORDER OR PRELIMINARY  
INJUNCTION IS WARRANTED AS THE UNDERLINING COMPLAINT SEEKS  
TO DETERMINE WHETHER THE ACTIONS OF THE DEFENDANTS VIOLATE  
THE FAIR HOUSING ACT.**

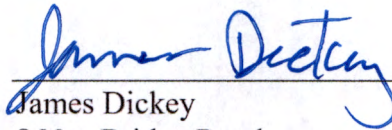
The essence of the Plaintiff's argument is that the receivership action in the Boston Housing Court is a sham, and that the actions of the defendants Stuart Schrier, Jeffrey Winik, Marylou Muirhead, Edward Coburn, Martin Walsh, and William Christopher violate rights under the Fair Housing Act, as amended, 42 U.S.C. § 3617 et seq. The underlining verified complaint filed in the instant case seeks to determine whether the receivership currently in place on the Property violates the Fair Housing Act.

**Wherefore**, the Plaintiff requests an oral hearing and move this Honorable Court for an Order:

1. That Defendants City of Boston ("City of Boston"), Edward Coburn, Jeffrey Winik, Marylou Muirhead, Maria Theophilis, William Christopher, Martin Walsh and Stuart Schrier, their agents, servants, attorneys, and auctioneers be forthwith temporarily restrained and preliminarily enjoined from seizing the real property located at 97 Mount Ida Road, Dorchester, Massachusetts, until such time as to allow the underlying complaint to be tried.

2. That all the Defendant, their agents, servants, attorneys, and auctioneers be forthwith temporarily restrained and preliminarily enjoined from any action in regards to the plaintiff's real property located at 97 Mount Ida, Dorchester, Massachusetts, until such time as to allow the underlying complaint to be tried.
3. That this Court grant such other and further relief as it may deem just and proper.

Respectfully submitted,

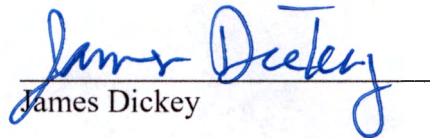


James Dickey  
8 NewBridge Road  
Sudbury, MA 01776  
(978) 443-2504

October 3, 2018

#### VERIFICATION

I, James Dickey, do hereby dispose under the pains of penalties of perjury that I have read the foregoing motion and corresponding memorandum of law and attest and that I believe that, to the best of my knowledge, the complaint is true and accurate.



October 3, 2018

### CERTIFICATE OF SERVICE

I, James Dickey, do hereby certify that on October 3, 2018, I served a true copy of the foregoing by email and U.S. Mail upon;

Attorney Katherine Galle  
Law Department, Room 615  
City of Boston,  
One City Hall Square  
Boston, MA 02201  
katherine.galle@boston.gov

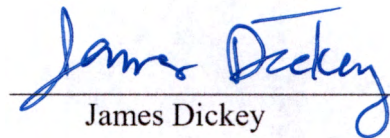
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October 3, 2018

  
James Dickey